

If confirmed, Judge Sotomayor's service on the court will bring great pride to the Hispanic community. That goes without saying. But more importantly, it will add another objective disciplined legal talent to that august body.

Thank you again for the opportunity to testify. I look forward to answering any questions. You can send it to my office, but we are going right now, and I really, really appreciate the opportunity that you have given me on behalf of the Congressional Hispanic Caucus.

[The prepared testimony of Representative Velázquez appear as a submission for the record.]

Senator SESSIONS. Thank you so much, Congresswoman Velázquez. That was an eloquent and personal statement. It means a lot to us, and you have contributed much to the hearing.

Representative VELÁZQUEZ. Thank you. I know her well. I know her heart, her soul, her intellect, but, most importantly, her temperament and integrity. Thank you.

Senator SESSIONS. Thank you.

Senator KLOBUCHAR. Thank you so much, Congresswoman Velázquez. We know you have to vote and there are many things going on over in the House. So we appreciate and understand that. Thank you very much.

Next, we have Theodore M. Shaw. Mr. Shaw is a professor at Columbia Law School and former director-counsel and president of the NAACP Legal Defense Fund. He began his legal career in the Civil Rights Division of the United States Department of Justice. He is a graduate of Wesleyan University and the Columbia University School of Law.

Thank you very much, Mr. Shaw. We look forward to your testimony.

STATEMENT OF THEODORE M. SHAW, PROFESSOR, COLUMBIA LAW SCHOOL

Mr. SHAW. Thank you, Madam Chair. Thank you, Senator Sessions, and, in his absence, of course, Chairman Leahy.

I have known Sonia Sotomayor for over 4 years. We first met in 1968 as freshmen at Cardinal Spellman High School in the Bronx. We were among a modest number of black and Latino students, perhaps 10 percent of that school's population, in what was one of the most academically challenging high schools in New York City.

It was a time of great change, great challenge. 1968 was the year that Dr. King was assassinated; also, Robert Kennedy; the year of the Chicago Democratic National Convention; and, there was much unrest.

Many of the minority students at Spellman, including Sonia and I, came from the public housing projects of Harlem or the Bronx or the tenement houses that surrounded them. We were shaped by these extraordinary times and by the communities from which we came, for better or worse.

During that time, the light of opportunity began to shine into corners of society that were long neglected for reasons of race and poverty. Many of us are beneficiaries of what has come to be known as affirmative action; that is, the conscious effort to open opportunities to individuals and groups that had been historically discriminated against and excluded from mainstream America.

Some people will immediately seize upon that description to talk about “unqualified” individuals. Affirmative action, properly structured and implemented, lifts qualified individuals from obscurity rooted in unearned inequality.

In spite of her brilliance, there was a time when someone like Judge Sotomayor would have been routinely left out of the mainstream of opportunities we have come to associate with somebody of her capabilities and accomplishments.

Sonia was at the top of our class at Cardinal Spellman High School. Everyone, white, black, Latino, Asian, ranked behind her. She was studious, independent-minded, mature beyond her years, thoughtful. She wasn’t easily influenced by what was going on around her. She walked her own path.

To be sure, Sonia was comfortable in her own skin and proud of her community and her heritage. She did not run from who or what she was and is. Still, Sonia was not one to be easily swayed by peer pressure, fads, or the politics of others around her.

She approached any issue from the standpoint of fierce intellectual curiosity and integrity. In fact, she was an intellectual powerhouse. Sonia was a leader among students at Cardinal Spellman High School. She set the pace at which others wanted to run.

Sonia did not live a life of privilege. She lost her father at a very young age. She had been diagnosed with diabetes even before she came to high school. It was not something I remember her talking about. She simply carried herself with an air of dignity, seriousness of purpose, and a sense that she was going somewhere.

In my 4 years of high school, I never saw Sonia interact with anyone in a disrespectful or contentious or antagonistic manner. Her temperament was even then judicious.

In short, although I never told her then and although she did not know it, I envied her intellectual capacity, her discipline, her unquestionable integrity. I admired her.

After graduating from Cardinal Spellman at the top of our class and as valedictorian, she was off to Princeton and, somewhat further down in the rankings, I was off to Wesleyan. I did not stay in touch with her over many of the ensuing years, but we did meet up again some years later.

I followed her as one does a star from one’s high school orbit. Eventually, of course, she went on to Yale Law School after Princeton. She excelled in everything she did.

Her qualifications for the Supreme Court would ordinarily be a no-brainer but for the politics of judicial nomination. I have faith that the Senate and this Committee will not let those politics get in the way.

My career has been as a civil rights lawyer. I have been in the midst of ideological warfare on contentious issues. I have been unabashed about my point of view. I am conscious of the fact that as I testify about Sonia, there may be some who project my thoughts and beliefs on to her.

Some have already tried to label her as an activist outside of the political mainstream. To be sure, I consider those who work for racial justice and other civil rights to be a vital part of mainstream America. But Sonia’s life has not been lived on the battlefield of

ideology or partisanship, where many of us who are labeled or who label ourselves as liberal or conservative have locked horns.

Indeed, her record defies simplistic label. She began her legal career as a prosecutor, not ordinarily a job thought of as a bastion of liberal activism. Her service on the board of the Puerto Rican Legal Defense Fund both speaks to the strength of that organization and the range of her interests from prosecution to civil rights.

Her service was commendable. In fact, this range of experience and commitment places Judge Sotomayor in the mainstream of middle America, where surely Americans are both interested in the prosecution and punishment of those who engage in criminal activities, as well as the protection of civil rights and elimination of invidious discrimination.

I have much more to say, but it is in my written testimony and I see my time is expiring. I would like to refer you to my comments on this whole notion of experience and what that brings to the bench.

But to conclude, I want to say that she has served our nation for 17 years as a Federal district court judge and then as an appellate judge with great distinction. Now, she is being considered for an appointment as associate justice to the United States Supreme Court.

Candor compels me to admit that I swell with pride when I contemplate the possibility that my high school classmate may ascend to the highest court in the land.

But quite aside from this petty and undeserved pride on the part of one who was merely a high school classmate, there are millions of Americans who see for the first time the possibility that someone who looks like them or who comes from a background like theirs may serve on the United States Supreme Court, someone who is supremely qualified, by any measure.

It is a great honor for Judge Sotomayor that President Obama has nominated her to the United States Supreme Court. It will be even a greater honor for our nation if she were to be confirmed and were to serve. Thank you.

[The prepared testimony of Mr. Shaw appear as a submission for the record.]

Senator KLOBUCHAR. Thank you very much. Appreciate it, Mr. Shaw. Our next witness is Tim Jeffries. Tim Jeffries is the founder of P7 Enterprises, a management consulting practice located in Scottsdale, Arizona. Mr. Jeffries serves on the board of directors of several corporations and nonprofit organizations, including the National Organization for Victims Assistance and the Arizona Voice for Crime Victims.

I don't know if you want to add anything, Senator Kyl.

Senator KYL. Well, Madam Chairman, thank you for that opportunity. I think you will see, when he testifies, the basis for his knowledge and passion about the protection of victims' rights and I think that will speak for itself and I am anxious to follow-up with the questions, as well. But I thank you very much.

Senator KLOBUCHAR. Thank you very much. Welcome to the Committee, Mr. Jeffries. We look forward to your testimony.